IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3454 OF 2004

IN

CRIMINAL APPEAL NO. 974 OF 2004

Ganpati Dattu Burange .. Applicant

versus

The State of Maharashtra .. Respondent

...

Mr.R.V. More for the applicant.

Mr.A.M. Shringarpure APP for the State.

CORAM : V.M. KANADE, J

DATED : 10th September 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant.

2. The applicant is convicted for having committed an offence under section 376 of the IPC and is sentenced to suffer RI for 7 years and to pay fine

of Rs.500/-. The prosecution case is that the prosecutrix was deaf and dumb and the applicant raped her when she had gone to the forest to collect wood. The prosecutrix delivered a female child. It is the prosecution case that the accused had promised to marry the prosecutrix. However, he refused to marry her. After a lapse of two years, a complaint was filed by the prosecutrix. The prosecutrix was 20 years old when the alleged incident took place and she had taken education in the deaf and dumb school in 1986. There is obviously a delay in filing the FIR and the FIR was lodged after the accused refused to marry the prosecutrix.

3. Under these circumstances, the applicant is entitled to be released on bail. The applicant is released on bail on the same terms and conditions as were imposed by the trial Court. He shall however, furnish fresh bonds.

V.M. KANADE, J